

Restriction Requirement

Claims 1-16 have been placed under a restriction requirement under 35 U.S.C. 121 in the above-identified Office Action.

SUMMARY OF THE EXAMINER'S POSITION

Specifically, in item 1 of the Office Action, the Examiner identified the following inventions:

- I. Claims 1-13, drawn to damper valve for a power steering system, classified in class 137, subclass 493;
- II. Claims 14-16 drawn to a method of damping oscillation in a fluid line, classified in class 137, subclass 2.

The Examiner has required election of one of the two inventions.

The Examiner states that inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) that the process as claimed can be practiced by another and materially different apparatus or by hand or (2) that apparatus as claimed can be used to practice another and materially different process (MPEP §806.05(e)). In this case the method could be done by two diaphragm or piston valves mounted side by side.

DISCUSSION

Applicant respectfully traverses the restriction requirement in the above-identified Office Action, and requests reconsideration and withdrawal thereof. Applicant respectfully suggests that the claims are drawn to different aspects of a single inventive concept, and should not be subject to restriction.

Even if the Examiner remains convinced that the claims are not all drawn to a single inventive concept, applicant respectfully suggests that all of the pending claims are drawn to closely associated inventions.

Moreover, applicant respectfully points out that MPEP section 803 states that

"if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully suggests that the examination of the entire application would not place a serious burden on the Examiner. Applicant therefore respectfully requests that the

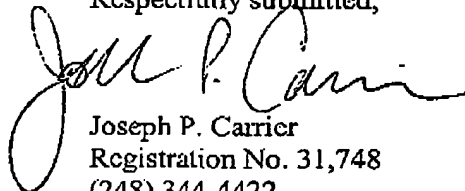
Examiner reconsider the Restriction Requirement, and examine the species identified as Groups I and II together.

Therefore, Applicant requests reconsideration and withdrawal of the Restriction Requirement.

However, notwithstanding the above, and in order to comply with Patent Office requirements, applicant elects, with traverse, the group identified by the Examiner as Invention I.

It is applicant's understanding and belief that each of Claims 1-13 is drawn to the elected invention.

Respectfully submitted,



Joseph P. Carrier
Registration No. 31,748
(248) 344-4422
Customer No. 21828

CARRIER, BLACKMAN & ASSOCIATES, P.C.
24101 Novi Road, Suite 100
Novi, Michigan 48375
February 22, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to Group Art Unit 3753 at the U.S. Patent and Trademark Office, at the number (571) 273-8300 on February 22, 2006.


Anne M. Carrier